

MEETING MINUTES
APRIL 17, 2006
EMPLOYMENT LAW ADVISORY COMMITTEE

Attendees:

1. Employment Law Advisory Committee Members: Rick Anderson (Sakuma Bros.) Kris Tefft (AWB) Clif Finch (WFI) Carolyn Logue (NFIB) Dave Johnson (WSBCTC) Jeff Johnson (WSLC) Joseph Crump (UFCW) Lori Isley (CLS)
2. L & I Staff: Rich Ervin, Christine Swanson, Suchi Sharma, Janis Kerns, and Carlena Anderson,
3. Other Participants: Dan Fazio (WSFB), Doug Smith (Lane Powell), Gary Smith (IBA), and Julie Donah (YMCA of Greater Seattle)

| Agenda Item | Discussion | Action | Due Date |
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| Opening Remarks Introductions | Christine Swanson opened the meeting. Introductions were made around the table and audience members. Suchi Sharma was introduced as the new Employment Standards Rules Manager Minutes from 10/26/05 meeting were reviewed and approved. | N/A | N/A |
| Legislative Review | <u>Administrative Remedies</u> : The fact sheet was reviewed. Rich discussed that there were 5 rules that needed to be written right away; 1) Elements 2) Timeline and extension for good cause 3) Appeal process- burden of proof 4) Reasonable time for records 5) Estimated audits/calculation of interest. Implementation of this legislation is June 7, 2006 and Rich noted that we would be training the agents in May, and the need to make changes to the wage complaint form and process. Assessment training and ongoing outreach will also be included in the training. Discussion followed to include concerns on burden of proof, timelines of rules, and the importance of education and outreach. <u>Family Leave Act</u> : Discussed the need to clarify and enforce the piece of this law that is not part of federal law. <u>Budget Proviso</u> : Christine wanted to know if the committee wanted to be involved in agency discussion regarding the mandate for the department to provide a report outlining the use of workers' compensation funds by the program. There was discussion regarding the correlation with workers' compensation and direct | Draft rules to be shared with committee by the end of the month. Input from committee due by May 31, 2006. | May 31, 2006 |

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| | <p>referrals from Employment Standards to Workers' comp collections.</p> <p>As a thank you for all the work the committee had done over the last year as a group to make legislation and this group successful, a desk set was given to each of the committee members.</p> | | |
| Payment Interval | <p>Janis went over the 3 different payment interval rules (WAC 296-128-035 MWA; WAC 296-126-023 IWA; and WAC 296-131-010 AG) and explained the need for the clarification. Doug Smith (Lane Powell) pointed out that there are currently 2 Superior court judges looking at this issue. It was suggested that we consider putting examples for clarification in the rule. A recommendation was made to insert a note that federal law may be different from state law in the "reside or sleep" update in policy ES.A.1 and L&I agreed to make the change.</p> | <p>Feedback to be sent to Suchi, shav235@lni.wa.gov</p> | <p>May 31, 2006</p> |
| Sleep and Reside issue- Rep. Conway | <p>Rich and Christine reviewed the letter from Rep. Conway requesting ELAC to review the exemption and make recommendations to the legislature and to L&I as to appropriate legislation and/or rules. ELAC agreed to take the point on this request.</p> | <p>Need committee member names for work group; 1 member from business/1 member from labor and 2 others from each. Send names to Suchi @ shav235@lni.wa.gov</p> | <p>May 31, 2006</p> |
| Rule-Policy Integration | <p>Janis went over the changes and updates to the first draft of policies incorporated into the rules as per the discussions and meetings with the work group. This was a summary of the editing and drafting function. L&I requested feedback to be sent in for the substance review by the end of May. Several suggestions were made by ELAC to further clarify the draft rules.</p> | <p>Send feedback to Suchi, shav235@lni.wa.gov</p> | <p>May 31, 2006</p> |
| Sub-committees | <p>The discussion included the need for sub-committees on the following issues:</p> <ul style="list-style-type: none"> • Child Labor • Agricultural Labor • Meals/Rest Periods • Hours Worked/Travel Time • Sleep and Reside- Rep. Conway | <p>Department is working on a matrix and will be asking for feedback and possible names for sub-committees</p> | |

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| | <ul style="list-style-type: none"> • Administrative Remedies • Farm Labor Contractor Act <p>The committee asked that we provide some information on the issues we have with each of these topics and prioritize them accordingly. The department is requesting names of individuals to work on some of these work groups. Rich stated the priority work groups are (1) reside or sleep and on-call, (2) administrative remedies, which will be on-going, (3) child labor, and (4) hours worked. Rich agreed the department will make a matrix chart for the different needs and ELAC members or one of their stakeholders to volunteer to serve on a workgroup.</p> | | |
| Next Meeting | Tuesday, July 18, 9 a.m. until noon Tumwater L&I, Room S117 | | |